

MEETING ASSISTANCE NOTICE - AMERICANS' WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American sign language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 960-8806** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**2ND REVISED ACTION
AGENDA**

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**CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, JUNE 4, 2001

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present – Julien Houchen arrived at 5:07 p.m.; Garofalo absent]

Public Comments Regarding Study Session and Closed Session Agenda Items

- (1) Speaker in support of Adult Day Services of O.C. receiving CDBG funds.***
- (2) Speakers in opposition to closed session item re: Councilmember Garofalo.***
- (3) Speaker requested copies of documents which were submitted requesting closed session.***

[Motion to move forward to the 7:00 p.m. portion of the Council meeting the subject of recessing to closed session on the Councilmember Garofalo item – Approved 6-0-1 (Garofalo absent)]

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.ci.huntington-beach.ca.us>**

(City Council/Redevelopment Agency) Joint Study Session of the City Council and the Citizens Participation Advisory Board (CPAB) to Review CPAB/Staff Recommendations for the 2001/2002 Community Development Block Grant (CDBG) Program (340.70)

The City Council and the Citizens Participation Advisory Board (CPAB) will review recommendations of the CPAB and staff for Community Development Block Grant allocations for the upcoming 2001/2002 program year. (A matrix titled *City of Huntington Beach Community Development Block Grant Program* is included in the agenda packet.)

Citizen Participation Advisory Board – Roll Call Jeff Lebow, Jim Moreno, Jackie Canigiani, Stan Cohen, Lorraine DeMers, Steve Garcia, Jim Hayden, Patricia Jacobs-Pilette, Jerry Lipson, Floyd Phillips, Roy Richardson, Diane Thomas, Charles Tyler, Phil Zisakis

[Present – Floyd Phillips, Diane Thomas & Phil Zisakis absent]

[Staff presentation made by Luann Brunson, Sr. Admin. Analyst, Economic Development Department. A revised CDBG Summary report was distributed.]

[Councilmember Boardman, Council liaison to the CPAB expressed her appreciation to CPAB as did all Councilmembers.]

[The City Administrator & Councilmember Bauer reported on financial problems faced by the city.]

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

[Approved 6-0-1 (Garofalo absent)]

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.8 to give instructions to the city's negotiator, Ron Hagan, Director of Community Services; and Matt Lamb, Real Estate Services Manager; regarding negotiations with David Elliott of Charles Dunn Inc. representing Lasalle Bank, and any other designated representative of Lasalle Bank concerning the purchase / sale of the property located at 18800 Delaware Street, Huntington Beach, California, APN 159-121-25, 26, 30, 31. Instructions will concern Price and Terms of Payment. Subject: **Real Estate Negotiations re: 18800 Delaware Street (Pacifica Tower).** (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Edward Resek v. City of Huntington Beach, et al.**; USDC Case No. CV 99-09909. Subject: **Resek v. City of Huntington Beach, et al.** (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(2)(B) to confer with its city attorney regarding pending litigation. ~~(Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against a member of the Board of the agency and that are know to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.)~~ Subject: ~~In the Matter of the Request of Councilmember David Garofalo for Defense and Indemnification for a Pending Fair Political Practices Commission/District Attorney Investigation.~~ (120.80)
[Discussed in open session – not in closed session]
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: Three. Subject: **Nuisance Properties – Abatement.** (120.80)
5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **City of Huntington Beach v. KJ Enterprises, et al.**, Orange County Superior Court Case No. 01CC04184. Subject: **City of Huntington Beach v. KJ Enterprises, et al.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

**** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

(1) Closed Session Item No. 1 – Pacifica Tower – continue negotiations (6-0-1 Garofalo absent)

(2) Closed Session Item No. 2 – Resek v City – continued (6-0-1 Garofalo absent)

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present – Garofalo absent]

[Mayor Julien Houchen extended condolences to Police Officer Thomas “Mike” Grahovac on the loss of his wife to cancer and “Get Well” wishes to Kelly Shanley, Public Information Office employee.]

Flag Ceremony and Pledge of Allegiance – Junior Girl Scout Troop 809, Eader School, Huntington Beach. Becky Jones, Leader.

Invocation – ***Kendra Shanley***

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk’s desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk’s Office the morning after the Council meeting.

[City Clerk announced Late Communications regarding the following agenda items: Closed Session Item No. 3; 5:00 p.m. Study Session; D-1; E-19; F-1 (documents re: closed session item no. 3 made available later in meeting).]

Presentation – By Mayor Pam Julien Houchen to Tom Hernandez, Golden West College International Symphonic Band, for contributions to the arts and youth of the community.

Revised Page

Presentation – By Mayor Pam Julien Houchen to area high school students who have served as a member of the Human Relations Task Force. Councilmembers Shirley Dettloff and Ralph Bauer will assist the Mayor in presenting certificates:

Jay Wu	Marina High School
Hadeel El-Ahraf	Edison High School
Shannon Inouye	Huntington Beach High School
Mai Dang	Ocean View High School
Sharon Singer	Fountain Valley High School
Katie Sotolongo	Westminster High School
Mark Edwards	Huntington Beach High School

Presentation – From Ron Shenkman, Senior Vice President of Rainbow Disposal Co., to Mayor Pam Julien Houchen and the City Council; a check for \$1,500 for the Huntington Beach Library Patrons Foundation for the Oakview Library Branch.

→ ***[Approved Motion to Deny Garofalo's request for defense and indemnification for a pending Fair Political Practices Commission/District Attorney investigation 5-1-1 (Green No; Garofalo Absent)]***

[Councilmember Green in response to public comment relative to 301-H waiver granted to O.C. Sanitation District presented an information sheet from the O.C. Sanitation District.]

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- 1. *Speaker announced Edison High School Grad Night and requested assistance of Police Department to coordinate off-site event.***
- 2. *Speaker objected to hiring a consultant re: Agenda Item E-19.***
- 3. *Speaker opposed to 301-H waiver given to O.C. Sanitation District.***
- 4. *Speaker re: poor condition of downtown alleys; trash scavengers in downtown alleys; curbside traffic problem, especially along PCH; request funding again be in General Fund for alley maintenance. Presented recommendations for code enforcement, volunteer clean-up days and participation by Rainbow Disposal.***
- 5. *Speaker re: H-3 stated that self-closing, self-latching gate be required. He requested if motion detectors will be liable as alarm owners are responsible for false alarms. Speaker spoke regarding importance of teaching children to swim.***
- 6. *Speaker opposed to D-1. Requested expenditure of money be spent on purchase of mobilehomes for seniors; opposed to several agenda items.***
- 7. *Speaker questioned why lights on beach and parking lot are on all night in the energy crisis. Requested alternative sources such as the sun be explored.***
- 8. *Speaker extending his best wishes to Council; urged voter turn-out for school bond election on June 5, 2001.***

9. Speaker requested documents reviewed at this Council meeting be Council on Councilmember Garofalo's request for defense and recommendation.

10. Speaker in opposition to Agenda Items E-4, E-5, E-15, E-16, E-19, F-1 and H-3a as unnecessary costs that should not be expended due to city's 5% General Fund shortfall.

[Mayor Pro Tem Cook announced that the documents would be copied and made available during this meeting.]

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Approve Appointment Process for Public Works Commissioners – Terms Coincidental with Terms of Mayor Pro Tem Debbie Cook and Councilmember Connie Boardman – Approve Selection by Casting Lots of Three Commissioners' Terms (110.20)**

Communication from the Public Works Director transmitting that the resignation of Public Works Commissioner George Snyder has created a vacancy on the Commission. Also, due to the term expiration of four additional commissioners, the City Council is now required to implement the provisions of Chapter 2.111 of the Municipal Code.

Recommended Action: Motion to:

Approve the process for City Councilmember appointment of Public Works Commissioners in accordance with Chapter 2.111 of the Municipal Code, revised January 2001 per the following actions:

1. Authorize Mayor Pro Tem Cook to fill the vacancy of Commissioner Snyder by appointing a new commissioner whose term would be coincident with that of Mayor Pro Tem Cook;

[Mayor Pro Tem Cook to announce appointment at next meeting]

and

2. Authorize City Councilmember Boardman to appoint a commissioner whose term would be coincident with that of Councilmember Boardman;

[Appointed Dean Albright]

and

3. Fill the remaining three commissioners' terms, due to expire June 30, 2001, by casting lots at the June 4, 2001 City Council meeting to determine the order of selection among the remaining five City Councilmembers.

[Councilmember Bauer, Councilmember Dettloff, and Mayor Julien Houchen to announce appointments at next meeting.]

[Councilmember Green and Councilmember Garofalo to appoint their representatives when the terms of current members expire in 2003.]

C-2. City Administrator's Reports**C-2a. City Administrator's Report on the Community Connection Electronic Monthly Newsletter Published by the Public Information Office (PIO) (160.10)**

The City Administrator will report on the electronic newsletter – *Community Connection*.

For the last several months, the City's Public Information Office has been developing an electronic monthly newsletter titled, *Community Connection*. The March, April and May 2001 editions of *Community Connection* can be found on the city's web page at ci.huntington-beach.ca.us.

Through the municipal water bill, the city asked residents if they would like to sign up for a free subscription to the city's electronic newsletter. To date over 6,000 residents have signed up to receive the newsletter. The newsletter will be distributed by e-mail and fax to those individuals who have signed up. Also, a limited number of newsletters will be mailed to those residents who do not have e-mail or fax.

The purpose of *Community Connection* is to provide up-to-date information about city programs, services, community events and issues that would be of interest to our local residents. We believe that the *Community Connection* newsletter distributed via e-mail and fax to local residents is the first of its kind in Orange County. Residents who would like to subscribe may contact Richard Barnard, Director of Communications at (714) 536-5577.

[Staff report presented]

C-2b. City Administrator's Report – Announcement of Pier Plaza Presents 2001 Summer Concert Series Located at Pacific Coast Highway and Main Street (160.10)

The City Administrator will announce that this summer the city will again be presenting a summer concert series sponsored by Chevrolet at Pier Plaza (located at the corner of Pacific Coast Highway and Main Street). The concert series began this month and will continue on various weekends throughout the summer with the next event scheduled for June 16-17, 2001. The Pier Plaza Art-a-faire is also held in conjunction with the events. For further information regarding specific dates and performers, please call (714) 374-1657. A brochure titled *City of Huntington Beach Pier Plaza Presents – 2001 Season* is included in the agenda packet.

[Staff report presented]

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council/Redevelopment Agency) Public Hearing to Consider a Proposed Disposition and Development Agreement (DDA) Providing for the Lease of Real Property within the Merged Redevelopment Project Area of the City of Huntington Beach to Merit Housing Corporation at 1982-1986 Lake Street – Bowen Court Senior Affordable Housing Facility – Adopt Council Resolution No. 2001-34 and Agency Resolution Nos. 320 and 321 (600.30)

Joint public hearing to consider the following:

The Disposition and Development Agreement (the “DDA”) with Merit Housing Corporation (the “Developer”) concerns the disposition of property which has been or may be acquired by the Redevelopment Agency of the City of Huntington Beach and leased to Merit Housing Corporation. The DDA provides for the lease of approximately 1.4 acres of parcels commonly known as 1982-1986 Lake Street. The DDA includes the terms for development of a senior affordable housing facility of approximately 20 residential one-bedroom units.

The purpose of the joint public hearing is to consider:

1. The proposed lease of real property by the Agency to the developer.
2. The proposed terms and conditions of such lease of real property.
3. The proposed Disposition and Development Agreement.
4. All evidence and testimony for and against the approval of the Disposition and Development Agreement and the lease of real property and the terms and conditions therefore.

The Agency prepared a Summary Report in connection with the Agreement that describes the specifics:

- a. The cost of the DDA to the Agency.
- b. The estimated value of the interests to be leased.
- c. The purchase price of the property to be leased.
- d. An explanation of why the lease will assist in the elimination of blight.
- e. Other pertinent analysis.

The environmental impacts of the proposed project have been analyzed in environmental impact reports and documents.

At the above stated day, hour, and place, any and all persons having objections to or wishing to express support of the proposed Disposition and Development Agreement, the proposed lease of real property or the proposed terms and conditions thereof may appear and be heard before the Agency and the City Council on the proposed Disposition and Development Agreement. Any person desiring to be heard at the hearing will be afforded an opportunity to be heard.

(Continued on the Next Page)

The documents referred to above are available for public inspection and copying during the regular office hours at the Office of the City Clerk and the Clerk of the Redevelopment Agency, City Hall, 2000 Main Street, Huntington Beach, California after Friday, June 1, 2001.

Recommended Action: Motion to:

City Council Actions:

1. Temporarily waive the City's insurance requirements for the purpose of approving the Agency loan. Direct staff to ensure that insurance requirements as described in the Disposition and Development Agreement are met by Merit Housing Corporation by the close of escrow;

and

2. Adopt **Resolution No. 2001-34** approving the Disposition and Development Agreement between the Redevelopment Agency and Merit Housing Corporation for the construction of Bowen Court Senior Apartments – *"A Resolution of the City Council of the City of Huntington Beach Approving a Disposition and Development Agreement with Bowen Court, L.P., for the Construction of Low Cost Housing."*

[Approved #1 & Adopted #2 – 5-1-1 (Julien Houchen No; Garofalo absent)]

Redevelopment Agency Actions:

1. Adopt Agency **Resolution No. 320** a Disposition and Development Agreement between the Redevelopment Agency and Merit Housing Corporation for the construction of Bowen Court Senior Apartments – *"A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving a Disposition and Development Agreement with Bowen Court, L.P., for the Construction of Low Cost Housing;"*

and

2. Authorize execution and recordation of the DDA, all attachments, and other necessary related documents by the Agency Chairman and Clerk, when advised by the Agency General Counsel's Office;

and

3. Adopt Agency **Resolution No. 321** – *"A Resolution of the Redevelopment Agency of the City of Huntington Beach Declaring Intention to Reimburse Expenditures from the Proceeds of Tax-Exempt Obligations and Directing Certain Actions."*

[Approved #2 and Adopted #1 & #3 – 5-1-1 (Julien Houchen No; Garofalo absent)]

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency regular meetings of May 21, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved 5-0-1-1 (Julien Houchen abstain due to absence at meeting; Garofalo absent)]
- E-2. (City Council) Approve Agreement with Robert J. Wheeler for Legal Services – Approve Modification to Insurance Requirements** (600.10) – **1.** Approve *Agreement between the City of Huntington Beach and Robert J. Wheeler for Legal Services* and authorize the Mayor to execute and the City Clerk to attest to the agreement upon approval as to form by the City Attorney of evidence of professional liability insurance; and **2.** Approve the automobile insurance and waiver of general liability insurance as recommended by the Settlement Committee. Submitted by the City Attorney. Funding Source: General Fund, Contract Legal Services Account.
[Approved 6-0-1 (Garofalo absent)]
- E-3. (City Council) Approve Plans & Specifications and Authorize Advertisement for Water Meter Boxes; WSC-016** (600.75) – **1.** Approve the project plans and specifications and authorize the Director of Public Works to request bids for the replacement of various water meter boxes throughout the City (WSC-016); and **2.** Approve the attached sample contract, subject to award of the contract to the lowest responsible/responsive bidder. Submitted by the Public Works Director. Funding Source: \$35,000 Water Fund, Water Meters.
[Approved 6-0-1 (Garofalo absent)]
- E-4. (City Council) Appropriate Funds for the Purchase of Battery Back Up Units for 10 Traffic Signals** (320.45) – Appropriate \$50,000 from the General Fund, into Account No. 10085304.84400, Traffic Signal Maintenance for the purchase and installation of battery back up units for 10 traffic signals. Submitted by the Public Works Director and Police Chief. Funding Source: Appropriate \$50,000 from General Unappropriated Fund balance for this unanticipated emergency. (**1.** Adams/Magnolia; **2.** Adams/Brookhurst; **3.** Bolsa Chica/Edinger; **4.** Bolsa Chica/Warner; **5.** Brookhurst/Garfield; **6.** Brookhurst/Hamilton; **7.** Goldenwest/Edinger; **8.** Goldenwest/Warner; **9.** Warner/Edwards; and **10.** Warner/Springdale.)
[Approved 5-0-2 (Green out of room; Garofalo absent)]

- E-5. **(City Council) Approve Amendment of City Budget to Increase City Attorney's Legal Services Account for Outside Legal Services for FY 2000-2001** (320.45) – Approve and authorize the Director of Administrative Services to appropriate \$435,000 from the General Fund Balance to the City Attorney's Legal Services Account to fund the remainder of anticipated costs for outside legal counsel for fiscal year 2000-2001. Submitted by the City Attorney. Funding Source: General Fund, Unreserved/Undesignated, \$435,000.
[Approved 6-0-1 (Garofalo absent)]
- E-6. **(City Council) Accept the Bluff Top Park Railing Replacement Project, CC-1134 Completed by Landmark Fence Company and File Notice of Completion** (600.65) – Accept the Bluff Top Railing Replacement Project completed by Landmark Fence Company, Cash Contract 1134, at a final cost of \$182,535.54, and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office. Submitted by the Community Services Director. Funding Source: General Fund Budget.
[Approved 6-0-1 (Garofalo absent)]
- E-7. **(City Council) Approve the Release of Securities for Tract No. 15691 and Accept the Public Improvements – Heritage Communities – S/W Corner of Goldenwest Street and Ellis Avenue – File Notice of Acceptance of Public Improvements** (420.60) –
1. Accept the improvement constructed and dedicated for public use with Tract No. 15691;
2. Release Heritage Communities, Faithful Performance/Labor and Material Bond No. 444113P (**Developers Surety & Indemnity Co.**) and Monument Bond No. 444114S pursuant to California Government Code Section No. 66499.7; 3. Accept Heritage Communities Guarantee and Warranty Bond No. 444113P, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; 4. Instruct the City Clerk to notify the developer, Heritage Communities, of this action, and the City Treasurer to notify the Surety, Developers Surety and Indemnity Company, of this action; and 5. Instruct the City Clerk to record the "Notice of Acceptance of Public Improvements" with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 6-0-1 (Garofalo absent)]
- E-8. **(City Council) Approve Non-Standard Affiliation Agreement with Coast Community College District for Participation by Golden West College Student Nurses in Community Experience Rotation at Michael E. Rodgers Senior Center** (600.10) – Approve the *Non-Standard Affiliation Agreement* between the City and Coast Community College District and authorize the Mayor and City Clerk to execute. Submitted by the Community Services Director. Funding Source: Not Applicable. (To provide for community experience rotation of student nurses at Michael E. Rodgers Senior Center.)
[Approved 6-0-1 (Garofalo absent)]

- E-9. **(City Council) Adopt Resolution No. 2001-30 Authorizing Application for California Department of Conservation Grant for Beverage Container Recycling, Litter Clean-Up Projects – Public Education** (340.80) – Adopt **Resolution No. 2001-30** – *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Application for Grant Monies from the California Department of Conservation for Recycling and Conservation Measures in the City.” Submitted by the Public Works Director.* Funding Source: Potential Department of Conservation non-competitive grant valued at \$57,328. No matching funds are required.
[Adopted 6-0-1 (Garofalo absent)]
- E-10. **(Redevelopment Agency) Approve as to Form the Office Space Lease Between Abdelmuti Development Co. and Core Holdings Inc. – Oceanview Promenade – Suite 200 (Formerly Suite 2A) – Main Pier Redevelopment Area** (600.30) – Approve as to Form the Office Space Lease between Abdelmuti Development Company, as Landlord and Core Holdings, Inc., as Tenant for Suite 200 (Formerly Suite 2A) of Oceanview Promenade pursuant to the Owner Participation Agreement. Submitted by the Deputy Executive Director. Funding Source: Redevelopment Tax Increment.
[Approved 6-0-1 (Garofalo absent)]
- E-11. **(City Council) Adopt Resolution No. 2001-31 for a Local Pavement Management Plan for Measure M Eligibility – Proposed by Lorick Associates Consulting** (320.40) – Adopt **Resolution No. 2001-31** – *“A Resolution of the City Council of the City of Huntington Beach Providing for the Certification of the Local Pavement Management Plan.” Submitted by the Public Works Director.* Funding Source: Not required for this action. The Measure M Program is, however, a source of both turnback funds (\$1.5 million) and potential grant funding.
[Adopted 6-0-1 (Garofalo absent)]
- E-12. **(City Council) Approve Affordable Housing Agreement for Stellko Properties Owner Doug Kerstner – (Agreement Containing Covenants Affecting Real Property) Edwin and Joann Koll (30 Unit Apartment Project at 1301 Delaware St.)** (600.30) – Approve the *Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and between the City of Huntington Beach and the Edwin Lee Koll and Joann D. Koll and authorize the Mayor and City Clerk to sign and execute. Submitted by the Planning Director. Funding Source: Not Applicable. (Per Conditional Use Permit No. 99-7)
[Approved 6-0-1 (Garofalo absent)]

- E-13. (City Council) Approve City Council Position on Legislation Pending Before the State Legislature and Congress as Recommended by the City Council Intergovernmental Relation Committee** (640.90) – The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take action on the following items and authorize the Mayor to send letters reflecting the City's position to the legislators: **Motion: Support HR 701 (Young)** The Federal Conservation and Reinvestment Act (CARA) which would provide federal funds for acquisition and preservation of natural and historic resources. **Motion: Support AB 63 (Cedillo)** – Taxation Disclosure – which would authorize the Franchise Tax Board (FTB) to provide cities certain taxpayer information intended to help cities identify taxpayers subject to the business license tax. **Motion: Support ACA 10 (Cogdill)** Local Government Property Taxes – which amend the State Constitution, to cap the property tax shifts from cities, counties, and special districts to the Educational Revenue Augmentation Fund (ERAF) in each county. **Motion: Oppose AB 1050 (Kehoe)** – Brown Act – which would further restrict the types of real estate negotiations which could be discussed in closed session. **Motion: Support SB 27 (Brulte)** – Local Law Enforcement Funding. **Motion: Support SB 844 (Chesbro)** – School Facilities Bond Act. **Motion: Oppose Cuts in the Clean Beaches Initiative** – The May 2001 revisions to the Governor's Budget reduce the funding for clean beaches from \$100 million to \$10 million. Submitted by Administration. Funding Source: None Required.
[Approved 6-0-1 (Garofalo absent)]
- E-14. (City Council) Adopt Resolution No. 2001-32 to Amend Memorandum of Understanding (MOU) with Management Employees Organization (MEO) to Provide for Specific Salary Adjustments** (720.20) – Adopt **Resolution No. 2001-32** – “A Resolution of the City Council of the City of Huntington Beach Amending Resolution 2000-9, Pertaining to Approval of the 12/25/99 Through 12/21/01 Memorandum of Understanding between the City of Huntington Beach and the Huntington Beach Management Employees’ Organization.” Submitted by the Director of Administrative Services. Funding Source: Current year appropriation of \$25,000 to be transferred from Non-Departmental General Fund Contingency.
[Adopted 5-0-2 (Green out of room; Garofalo absent)]
- E-15. (City Council) Approve Second Amendments to Two Contracts Between the City and Community Services Programs, Inc. (CSP) for (1.) Juvenile Diversion and (2.) Gang Prevention and Intervention Programs** (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to Agreement between the City of Huntington Beach and Community Service Programs, Inc. (CSP) for Implementation and Management of the Juvenile Diversion Program* for the amount of \$77,336; and 2. Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to Agreement between the City of Huntington Beach and Community Service Programs, Inc. (CSP) for Gang Prevention and Intervention Services* for the amount of \$41,757; and 3. Authorize the Police Chief to expend up to \$77,336 for the Juvenile Diversion Program and up to \$41,757 for the Gang Prevention and Intervention Program. Submitted by the Police Chief. Funding Source: Two General Fund Accounts - \$77,336 in General Investigations and \$41,757 in Patrol.
[Approved 6-0-1 (Garofalo absent)]

- E-16. **(City Council) Approve Subgrantee Agreement Between the City and Community Services Programs, Inc. (CSP) for Policing Contract Services to Combat Domestic Violence Against Women** (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute *Subgrantee Agreement between the City of Huntington Beach and Community Service Programs, Inc. (CSP), Domestic Violence Services for Community Policing to Combat Domestic Violence Program Funds*; and 2. Authorize the Police Chief to expend up to \$41,757 for Violence Against Women Counseling Services. Submitted by the Police Chief. Funding Source: Office of the Criminal Justice Planning (OCJP) Domestic Violence Grant - \$90,000 and a matching cash grant from the General Fund Patrol Account - \$30,000.
[Approved 6-0-1 (Garofalo absent)]
- E-17. **(City Council) Approve Agreement Between the City and the County of Orange for Federal Beach Erosion Control Project, Stage 11 for Sand Replenishment** (600.25) – 1. Approve *Agreement - Federal Beach Erosion Control Project Stage 11* with the County of Orange, and direct the Mayor and City Clerk to execute same; and 2. Authorize the Director of Administrative Services to transfer \$53,413 into Contractual Services account #10045101.69450 from Professional Services account #30160101.69365 for the Federal Beach Erosion Control Project, Stage 11, for sand replenishment. Submitted by the Community Services Director. Funding Source: General Fund. Recommended Action No. 2 above describes funding that was identified for use by the Planning Department for processing and monitoring of the Bolsa Chica development, but will not be used for that purpose this fiscal year.
[Approved 6-0-1 (Garofalo absent)]
- E-18. **(City Council) Approve in Substantial Form Camping Agreements for the Junior Guard Program Overnight Field Trip on July 11 and 12, 2001 to Newport Dunes and Approve Waiver of Indemnity Clause Insurance Provisions** (600.10) – 1. Approve in substantial form the camping agreements with Newport Dunes for the July 11 and 12, 2001 overnight field trip for the Junior Guard Program, and authorize Ron Hagan, Director of Community Services, to execute the agreements on behalf of the city; and 2. Accept the indemnification clause in Section 5 of the General Provisions of the Beach Camping Contract Policies. Submitted by the Community Services Director. Funding Source: Fee-based program.
[Approved 6-0-1 (Garofalo absent)]

- E-19. (City Council) Approve the First Amendment to Professional Services Contract Between the City and MuniFinancial for the Holly-Seacliff Traffic Impact Fee (PLC Land Company, Developer)** (600.10) – Approve and authorize the Mayor and City Clerk to execute *First Amendment to Professional Services Contract between the City of Huntington Beach and MuniFinancial for Traffic Impact Fee Study* to complete preparation of the Holly-Seacliff Impact Fee Report. Submitted by the City Attorney and the Public Works Director. Funding Source: \$15,000 Traffic Impact Fund. (MuniFinancial was the firm selected to prepare the Holly-Seacliff Traffic Impact Fee Report. It was originally estimated that the cost of this work would not exceed \$20,000. Consequently, it was not necessary to obtain City Council approval for the contract. Since then, the work necessary to complete this project has expanded, to a revised budget of \$35,000. Accordingly, Council approval is requested for the contract amendment.)
- [Motion to Approve - FAILED 3-3-1 (Green, Boardman, Cook No; Garofalo absent)]***
- [Motion to reconsider Council's previous tie vote action carried 6-0-1 (Garofalo absent)]***
- [Motion to continue to June 18, 2001 to receive additional information required by Council – Approved 6-0-1 (Garofalo absent)]***

F. Administrative Items**F-1. (City Council) Approve Microturbine Site Agreement with South Coast Air Quality Management District (SCAQMD) and Authorize Staff to Proceed with a Sole Source Contract with Capstone California for Installation of Microturbines and Site Improvements (600.20)**

Communication from the Building & Safety Director transmitting a proposed agreement with South Coast Air Quality Management District (SCAQMD) to accept the donation of two (2) 30-kw Microturbines and related equipment to modify existing flare gas to power said microturbines, and authorize staff to proceed with a sole-source contract with Capstone California for installation, at a cost not to exceed \$150,000.

Recommended Action: Motion to:

1. Approve and authorize the Mayor and City Clerk to execute the signature page for the City of Huntington Beach Signature Page of the *South Coast Air Quality Management District Microturbine Site Agreement*;

and

2. Authorize the City Administrator to execute Page No. 3 of the *South Coast Air Quality Management District Microturbine Site Agreement* (SCAQMD) as the Authorized Representative of Site Owner;

and

3. Authorize staff to proceed with a sole-source contract with Capstone California for the installation of said Microturbines and site improvements at a cost not to exceed \$150,000.

[Approved 1, 2 & 3 – 6-0-1 (Garofalo absent)]

G. Ordinances

G-1. Ordinance for Adoption - None

G-2. Ordinances for Introduction - None

H. City Council/Redevelopment Agency Items

H-1a. Submitted By Councilmember Ralph Bauer

(City Council) Direct City Attorney to Create an Ordinance Requiring the Fencing of Vacant Lots or Other Property that Pose Nuisances to Surrounding Neighbors
(120.90)

Communication received from Councilmember Ralph Bauer requesting Council to consider directing the City Attorney to prepare an ordinance that requires the fencing of vacant properties.

Recommended Action: Motion to:

Direct the City Attorney's Office to ~~create an ordinance~~ ***return to Council with a report & recommendation*** that requires fencing of vacant properties.

[Approved 6-0-1 (Garofalo absent)]

H-2a. Submitted By Mayor Pro Tem Debbie Cook**(City Council) Adopt Resolution No. 2001-33 Suspending for FY 2001-2002 the Property Tax Override for Public Employee Retirement Benefits (CALPERS)**
(630.40)

Communication received from Mayor Pro Tem Debbie Cook transmitting the following **Statement of Issue:** The City receives a pro-rata portion of the one-percent basic levy collected for all real property. In addition, the California Constitution allows cities to levy additional taxes for voter-approved indebtedness. Since voter approval in 1966, the City has levied an additional tax to pay for a portion of the City's retirement costs. At present, the City's retirement costs consist of contracts with the California Public Retirement System (CALPERS) and a supplemental retirement plan administered by the City. The estimated retirement costs for fiscal year 2001/2002 are \$8,300.00

For several years, the City of Huntington Beach has levied a tax rate of \$.04930 per \$100 of assessed valuation to partially offset retirement costs. However, the recent Superior Court decision in Howard Jarvis Taxpayers Association vs. the City of Huntington Beach, suggests that the City reevaluate its method of funding these ongoing annual expenditures. The City Council has authorized appeal of the Superior Court's decision in the Jarvis lawsuit. Until this appeal is resolved, it is prudent to set the tax rate for fiscal year 2001/2002 at 0.0%.

Recommended Action: Motion to:

Adopt **Resolution No. 2001-33** – *“A Resolution of the City Council of the City of Huntington Beach Suspending for Fiscal Year 2001/2002 the Property Tax Override to Pay for Employee Retirement Benefits.”*

[Motion to adopt FAILED – 3-3-1 (Green, Dettloff, Bauer No; Garofalo absent)]

H-3a. Submitted By Councilmember Dave Garofalo**(City Council) Swimming Pool Safety - Direct Preparation of a Draft Ordinance to Require Upon Close of Escrow, the Installation of Motion Detectors in Properties with Pools (.)**

Communication received from Councilmember Dave Garofalo transmitting the following **Statement of Issue:** We lost another child to drowning, the second in the year 2001! I have had the opportunity to meet with staff members, professional water sport educators, and members of the water recreation industry. There is a myriad of devices, costing as low as \$100.00, that could help save a child's life. The solution was brought forward by both public and private sector participants that very inexpensive motion detectors would help avoid this tragedy in the future. There is no absolute preventive method or policy; however, the following recommendation is a step in the right direction. I am not asking for emergency level efforts in an otherwise already burdened staff. Some research from other communities is available and I would hope we could see a draft before year-end.

Recommended Action: Motion to:

Direct staff to submit a draft ordinance that would require upon the close of escrow the installation of a motion detector in properties that have pools.

[Continued to June 18, 2001 – 6-0-1 (Garofalo absent)]

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, June 18, 2001, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas And Minutes Are Available At No Charge To The Public At The City Clerk's Office By Mail And Through Paid Subscription. Complete Agenda Packets Are Available At The Central Library and Library Annexes On Friday Prior To Meetings. Video Tapes Of Council Meetings Are Available For Checkout At The Central Library At No Charge.

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